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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/092,061

03/05/2002

Stefan Keller-Tuberg

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ALCATEL USA
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

HAMANN, JORDAN J

ART UNIT

PAPER NUMBER

2667

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/092,061	Applicant(s) KELLER-TUBERG, STEFAN	
	Examiner Jordan Hamann	Art Unit 2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 10-19, 26-33 and 37 is/are rejected.
- 7) ☒ Claim(s) 5-9, 20-25 and 34-36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/21/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 9 Element 306. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to because Figure 4 Element 118 "Network Element Contro Module" should be --Network Element Control Module--. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the

appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: page 1 line 17 "it is often not be feasible" should be --it is often not feasible--, page 6 line 10 "understood that that a DSLAM" should be --understood that a DSLAM--, page 11 line 1 "DSLAM 104" should be --DSLAM 204--, and page 11 line 3 "DSLAM 104 and the second subtended DSLAM 106." should be --DSLAM 204 and the second subtended DSLAM 206.--. Appropriate correction is required.

Claim 20 is objected to because of the following informalities: "the IP Gateway Module is an network element" should be --the IP Gateway Module is a network element--. Appropriate correction is required.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 10-19, 26-33 & 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Wilhelm (US 6,931,005 B1).

With respect to claims 1-4, 18, 19, 33 & 37, Wilhelm discloses a communication apparatus and method, comprising:

a first network node including an Internet Protocol (IP) Gateway Module (Figure 3 Element 28); and

a second network node including a Gateway Control Protocol Terminating Module (Figure 3 Elements 40a & 40b);

wherein the IP Gateway Module is capable of facilitating IP multicast control connections between the first network node and the second network node and wherein the Gateway Control Protocol Terminating Module is capable of enabling termination of a control protocol of the IP Gateway Module and is capable of being supported at an Asynchronous Transfer Mode (ATM) layer of the second network node (Figure 3 and column 2 lines 33-41 and column 5 lines 59-61).

With respect to claim 10, Wilhelm discloses the system of claim 1 wherein: the first apparatus includes an IP Gateway apparatus including an IP layer; and the IP Gateway Module is a network element of the IP Gateway apparatus (Figure 3 Element 28).

With respect to claim 11, Wilhelm discloses the system of claim 10 wherein the IP Gateway Module is capable of being supported at the IP layer of the IP gateway apparatus (Figure 3 Element 28).

With respect to claim 12, Wilhelm discloses the system of claim 10 wherein the IP gateway apparatus and the second apparatus are network nodes of a common network of network nodes (Figure 3).

With respect to claim 13, Wilhelm discloses the system of claim 12 wherein the common network operates in accordance with ATM (Figure 3).

With respect to claim 14, Wilhelm discloses the system of claim 10 wherein: the second apparatus includes a DSLAM; the ATM layer is integral with the DSLAM; and the Gateway Control Protocol Terminating Module is a network element of the DSLAM (Figure 3 Elements 40a & 18a and column 3 lines 8-11).

With respect to claim 15, Wilhelm discloses the system of claim 10 wherein the IP gateway apparatus and the second apparatus are network nodes of a first network of network nodes and a second network of network nodes, respectively (Figure 3).

With respect to claim 16, Wilhelm discloses the system of claim 15 wherein: the first network node operates in accordance with IP; and the second network node operates in accordance with ATM (Figure 3).

With respect to claim 17, Wilhelm discloses the system of claim 10 wherein: the second apparatus is a hub apparatus (Figure 3 Element 18a); and a third apparatus is a subtending apparatus with respect to the hub apparatus (Figure 3 Element 12a).

With respect to claim 26, Wilhelm discloses the communication apparatus of claim 18 wherein: the first network node includes an IP Gateway apparatus including an IP layer; and the IP Gateway Module is a network element of the IP Gateway apparatus (Figure 3 Element 28).

With respect to claim 27, Wilhelm discloses the communication apparatus of claim 26 wherein the IP Gateway Module is capable of being supported at the IP layer of the IP Gateway apparatus (Figure 3 Element 28).

With respect to claim 28, Wilhelm discloses the communication apparatus of claim 26 wherein the IP gateway apparatus and the second apparatus are network nodes of a common network of network nodes (Figure 3).

With respect to claim 29, Wilhelm discloses the communication apparatus of claim 28 wherein the common network operates in accordance with ATM (Figure 3).

With respect to claim 30, Wilhelm discloses the communication apparatus of claim 26 wherein the first network node and the second network node are network nodes of a first network of network nodes and a second network of network nodes, respectively (Figure 3).

With respect to claim 31, Wilhelm discloses the communication apparatus of claim 30 wherein: the first network node operates in accordance with IP and the second network node operates in accordance with ATM (Figure 3 and column 3 lines 8-11).

With respect to claim 32, Wilhelm discloses the communication apparatus of claim 26 wherein: the second network node is a hub network node (Figure 3 Element 18a); and a third network node is a subtending network node with respect to the hub network node (Figure 3 Element 12a).

Allowable Subject Matter

Claims 5-9, 20-25 & 34-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan Hamann whose telephone number is (571) 272-8564. The examiner can normally be reached on Monday-Thursday 8:30-5:30 and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2667

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JJH


CHI PHAM
SUPERVISORY PATENT EXAMINER
ELECTRONIC BUSINESS CENTER
2/3/06